**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.18203 of 2007**

**Dated:28.08.2007**

**Between:**

Munuma Vijayalakshmi.

…Petitioner.

and

The District Collect and another.

…Respondents.

**HON'BLE SRI JUSTICE V.V.S.RAO**

**WRIT PETITION No.18203 of 2007**

**ORDER:**

The petitioner purchased an extent of Acs.3.24 in survey Nos.105/2 and 105/3 situated at Kiltampalem Village of S.Kota Mandal, Vizianagaram District, under a registered sale deed, dated 23.08.1983. Statedly she is in possession of the land duly cultivating the same. The second respondent initiated action under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 ('the Act', for brevity), and issued a Notice in Form II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 ('the Rules', for brevity), calling upon the petitioner to show cause as to why she should not be evicted from the land for being in possession of the same in contravention of Section 3(2) of the Act. The petitioner submitted explanation. The second respondent thereupon passed orders, aggrieved by which, the present Writ Petition is filed.

The impugned order shows that it was prepared in May 2007. The initials of the municipal staff would show that it was prepared on 26.05.2007. However, it appears, the Tahasildar signed the same on 20.07.2007. Be that as it is, in the Writ Petition, learned Counsel for the petitioner raised two contentions. First, he submits that the assignment made in favour of petitioner's vendor does not prohibit the alienation in favour of a landless poor person and that the petitioner is a landless poor person. Secondly, even though the time provided for filing appeal under Section 4-A of the Act has not expired by

18.08.2007, the respondents came with heavy machinery and started interfering with the possession.

Learned Assistant Government Pleader for Revenue (Assignment) does not dispute that under Section 4-A of the Act an appeal is provided to the Revenue Divisional Officer against an order of cancellation of assignment passed by the second respondent. The time granted for filing appeal is 90 days. As seen from the impugned order and notice hereinabove, the second respondent passed the orders on 20.07.2007, and therefore, the petitioner has time up to 19.10.2007 to prefer an appeal. Even before the expiry of appeal period, if the petitioner is evicted from the land, the remedy of appeal under Section 4-A of the Act would be rendered useless. Therefore, this Court observes that till expiry of such time, the respondents shall not in any manner interfere with the petitioner's possession. Petitioner is given liberty to prefer an appeal before the Revenue Divisional Officer immediately.

The Writ Petition, with the above observation, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

28.08.2007

Note:Furnish C.C. by Friday.

(B/o)

GJ